

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

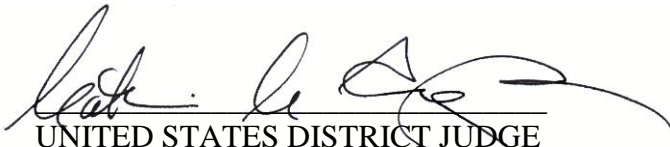
CLAUDE PERCY SALES,)	
)	
Petitioner,)	
)	1:11CV787
v.)	1:04CR260-1
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On December 28, 2012, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections to the Recommendation have been filed. Therefore, the Court need not make a *de novo* review and the Magistrate Judge's Recommendation [Doc. #38] is hereby adopted.

IT IS THEREFORE ORDERED that Petitioner's Motion to Vacate, Set Aside or Correct Sentence [Doc. #23] is GRANTED and the sentence is VACATED. The Clerk is directed to set this matter for resentencing. Petitioner remains in custody and the United States Attorney is directed to take steps so that Petitioner is present for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

This the 8th day of February, 2013.


UNITED STATES DISTRICT JUDGE